

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UTHAIWAN WONG-OPASI, PH.D., )  
Plaintiff, )  
v. ) Civil No. 3:05-0697  
Middle Tennessee State University, ) Judge Trauger  
Defendant. ) Magistrate Judge Griffin

**ORDER**

The *pro se* plaintiff has filed a Motion for Time Extension Pending Receipt of EEOC Records (Docket No. 56), to which the defendant has responded in opposition (Docket No. 59). The plaintiff's motion is **DENIED**. As pointed out by the defendant, this case was filed two years ago, and the plaintiff has had months and months to secure from the EEOC her file, should she genuinely have believed that it contained information material to her case. The defendant's Motion to Dismiss has been pending for over six months without response. The court, graciously, granted the plaintiff's motion for an extension of time to object to the Report and Recommendation that recommended the granting of the motion to dismiss, but that Order stated, all in capital letters and in bold type as follows:

**THE PLAINTIFF IS FOREWARNED THAT HER FAILURE TO  
RESPOND TO THE MOTION TO DISMISS BY DECEMBER 17, 2007,  
WILL LEAD TO ITS BEING GRANTED, AS PREVIOUSLY  
RECOMMENDED BY THE MAGISTRATE JUDGE.**

(Docket No. 54 at 1) Instead of responding, the plaintiff continues her dilatory tactics of requesting further extensions. Enough is enough.

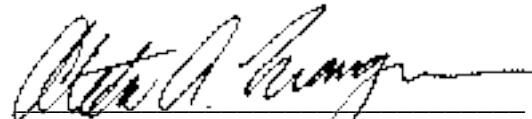
The plaintiff's Objection to the Report and Recommendation (Docket No. 52), which was

based entirely upon her claim not to have received the defendant's motion to dismiss, is **OVERRULED**, as this court's granting the plaintiff an extension of time within which to respond to the motion to dismiss met this objection. The Report and Recommendation, which was remanded to the Magistrate Judge by Order on November 19, 2007 for consideration of any response filed by the plaintiff to the motion to dismiss (Docket No. 54), is **VACATED**, and the Report and Recommendation is **WITHDRAWN** from the Magistrate Judge for consideration by the district court.

The court has reviewed the Report and Recommendation (Docket No. 47) and finds it correct in all respects. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, the defendant's Motion to Dismiss (Docket No. 44) is **GRANTED**, and this case is **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

Enter this 19<sup>th</sup> day of December 2007.



ALETA A. TRAUGER  
U.S. District Judge